

REMARKS**INTRODUCTION:**

In accordance with the foregoing, claims 1 and 4 have been amended, and claims 5-20 have been added. No new matter is being presented, and approval and entry of the foregoing amendments and new claims are respectfully requested.

Claims 1-20 are pending and under consideration. Reconsideration is requested.

RECEIPT OF FOREIGN PRIORITY PAPERS:

On page 1, box 12, the Examiner indicates that none of the foreign priority documents have been received for the purposes of 35 U.S.C. §119. As indicated in the Continuing Utility Patent Application Transmittal, the foreign priority documents were filed in the parent application, United States Patent Application No. 10/256,244. As such, the foreign priority documents do not need to be again submitted in the instant application. MPEP 201.14(b)(II). Therefore, it is respectfully requested that the Examiner acknowledge prior receipt of the foreign priority documents received in the parent application, such as by checking the appropriate box in a subsequent action.

PROVISIONAL OBVIOUSNESS TYPE DOUBLE PATENTING REJECTION:

On pages 2-5 of the Office Action, the Examiner provisionally rejects claims 1-4 under the judicially created doctrine of obviousness-type double patenting in view of selected claims in U.S. Patent Application No. 10/806,318. Since U.S. Patent Application No. 10/806,318 has not yet been issued as a patent, and since claims 1-4 of the instant application have not yet been indicated as allowable, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature. MPEP 804(I)(B). As such, it is respectfully requested that the applicant be allowed to address any obviousness-type double patenting issues remaining once the rejection of the claims are resolved and that the rejection be reconsidered in light of the claims presented above.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action at pages 5-7, the Examiner rejects claims 1-4 under 35 U.S.C. §102 in view of Ichihara (U.S. Patent No. 6,396,792). This rejection is respectfully traversed and reconsideration is requested.

By way of review, Ichihara discloses a waveform of recording pulses having erasure pulses Pc1 and Pc2 used as erasure signals. (Col. 4, lines 45-62; FIGs. 1B and 1C). However,

the first step is a high level and a last step is a low level. There is no suggestion in Ichihara that the erasure steps have other configurations, or that such configurations would be beneficial.

In contrast, claim 1 recites, among other features, "a recording waveform generating unit which generates a recording waveform having an erase pattern containing a multi-pulse and a recording pattern containing another multi-pulse, a power level of a leading pulse of the erase pattern being a low level of the multi-pulse and a power level of a trailing pulse of the erase pulse being a high level of the multi-pulse." As such, it is respectfully submitted that Ichihara does not disclose or suggest the invention as recited in claim 1.

For at least similar reasons, it is respectfully submitted that Ichihara does not disclose or suggest the invention as recited in claim 4.

Claims 2 and 3 are deemed patentable due at least to their depending from claim 1.

PATENTABILITY OF NEW CLAIMS:

Claim 7 is deemed patentable due at least to Ichihara disclosing mark widths of 3tw to 11tw, whereas claim 7 recites, among other features, "a modulator which modulates input data according to according to a Run Length Limited (RLL)(1, 7)."

Claims 5 and 8-18 are deemed patentable due at least to their depending from corresponding claims 1 and 4.

Claims 19 and 20 are deemed patentable over Ichihara for at least reasons similar to why Ichihara does not disclose or suggest the invention as recited in claim 1.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, it is respectfully submitted that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

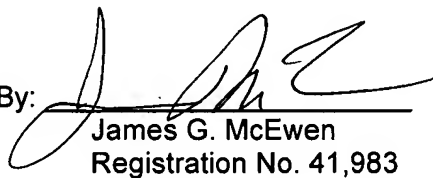
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If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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